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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,227	03/21/2001	James K. Vanderveen	60,426-242(2000P09010US01	2008

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SIEMENS CORPORATION  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/814,227

Applicant(s)

VANDERVEEN, JAMES K.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 2,4 and 16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1,3,5-15,17-19 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 26-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Application/Control Number: 09/814,227  
Art Unit: 2644

### DETAILED ACTION

1. Applicant's arguments with traverse in paper no. 6 are persuasive and the Election/Restriction set forth in the previous Office Action, paper no.5, has been withdrawn, and pending claims excluding those cancelled by paper no. 4 are considered for examination.
2. The allowability of claims 3, 4 (now cancelled), 16 (now cancelled), 17 -19 is withdrawn.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Everingham, U.S. Patent No. 5828759 in view of the applicant's admitted prior art (AAPA).

Regarding **claim 3**, Everingham discloses a system and method for reducing engine noise (figure 1) for use in automotive vehicles (col. 1, lines 6-7). Everingham's disclosure comprises a duct housing with an opening for receiving air (10), comprising a loudspeaker (30) mounted within the housing, wherein the housing is connected to a vehicle structure, therein (col. 1, lines 35-41 and 2, lines 20-40). However, Everingham fails to specifically disclose the housing being mounted by at least one bracket to a vehicle structure, having an isolator between the bracket and the vehicle structure or the housing molded from plastic.

Application/Control Number: 09/814,227  
Art Unit: 2644

Mounting means are well known, thus it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by providing a bracket to mount the duct housing to the vehicle structure to provide adequate support and/or positioning of the housing in the vehicle as desired for optimal function and features such as stability, wherein brackets are commonly used mounting components.

Regarding the housing being molded from plastic and the isolator, the applicant admits that plastic housing structures are common for to many vehicles; and further AAPA admits that the housing structure of the air duct and speaker are mounted with grommets.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by providing plastic housing structure of which is common and economical in manufacturing cost and the grommets in between the brackets and the vehicles for purpose of providing isolation.

Regarding **claims 5-8**, Everingham discloses everything claimed as applied above (see claim 1). However, Everingham fails to specifically disclose the various ways of mounting the bracket to the housing. There are various mechanical techniques, such as welding, fastening, pre-formed for easy insertion (e.g. snap-fitting), for mounting a bracket to another structure. Thus, it would have been obvious to one skill in the art at the time of the invention to implement any one of the various commonly known and/or used techniques for mounting the bracket.

Regarding **claim 9**, Everingham discloses everything claimed as applied above (see claim 1). However, Everingham fails to specifically disclose the bracket being a single bracket comprising multiple legs. Various types of brackets are used for different and specific purposes. Therefore, it would have been obvious to one of the ordinary skill to implement such a bracket

Application/Control Number: 09/814,227

Art Unit: 2644

for providing sufficient support of the length and weight capacity of the duct housing structure to the vehicle for the purposes of lessening vibrations movements and other instabilities that may occur.

5. **Claims 10-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Everingham in view of AAPA in view of Hazelwood et al., U. S. Patent No. 5867583.

Regarding **claim 10**, Everingham discloses a system and method for reducing engine noise (figure 1) for use in automotive vehicles (col. 1, lines 6-7). Everingham's disclosure comprises a duct housing with an opening for receiving air (10), comprising a loudspeaker (30) mounted within the housing, wherein the housing is connected to a vehicle structure, therein (col. 1, lines 35-41 and 2, lines 20-40). However, Everingham fails to specifically disclose the housing being mounted by at least one bracket to a vehicle structure, and isolator and the speaker housing being of common structure. The examiner maintains that such a mounting means was well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by providing a bracket to mount the duct housing to the vehicle structure to provide adequate support and/or positioning of the housing in the vehicle as desired for optimal function such as stability, wherein brackets are commonly used mounting components.

Regarding the housing having isolator, AAPA admits that the housing structure of the air duct and speaker are mounted with grommets.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham the grommets in between the brackets and the vehicles for purpose of providing isolation.

Regarding the generic speaker housing, Hazelwood et al. (herein, Hazelwood) disclosure teaches the mounting of loudspeakers in vehicles. Hazelwood discloses that a versatile speaker structure that may be mount in any particular type vehicle (col. 2, lines 13-25), which constitutes a versatile speaker housing common to various vehicles obvious to one of the ordinary skill in the art that time of the of Everingham and AAPA for the purpose of lessening the cost by alleviating manufacturing of different size speakers and/or speaker housing for various vehicles.

Regarding **claim 11**, Everingham discloses everything claimed as applied above (see claim 10). However, Everingham fails to specifically disclose the housing being molded plastic structure. The applicant admits that plastic housing structures are common for to many vehicles.

Regarding **claims 12-15**, Everingham discloses everything claimed as applied above (see claim 10). However, Everingham fails to specifically disclose the various ways of mounting the bracket to the housing. There are various mechanical techniques, such as welding, fastening, pre-formed for easy insertion (e.g. snap-fitting), for mounting a bracket to another structure. Thus, it would have been obvious to one skill in the art at the time of the invention to implement any one of the various commonly known and/or used techniques for mounting the bracket.

6. **Claims 1, 17-18, 22-24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Everingham and AAPA in view of Hazelwood et al. (herein, Everingham combination).

Application/Control Number: 09/814,227

Art Unit: 2644

Regarding **claims 1, 17-18, and 22-24**, Everingham discloses a system and method for reducing engine noise (figure 1) for use in automotive vehicles (col. 1, lines 6-7). Everingham's disclosure comprises a duct housing with an opening for receiving air (10), comprising a loudspeaker (30) mounted within the housing, wherein the housing is connected to a vehicle structure, therein (col. 1, lines 35-41 and 2, lines 20-40) and an air cleaner housing (20). However, Everingham fails to specifically disclose the housings being mounted by brackets to a vehicle structure, or isolators, or the speaker housing being of common structure. The examiner maintains that such a mounting means and speaker structure were well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham by providing brackets to mount the duct housing to the vehicle structure and air cleaner housing to provide adequate support and/or positioning of the housing in the vehicle as desired for optimal function such as stability, wherein brackets are commonly used mounting components.

Regarding the housing having isolators, AAPA admits that the housing structure of the air duct and speaker are mounted with grommets.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Everingham the grommets in between the brackets and the vehicles for purpose of providing isolation.

Regarding the generic speaker housing, Hazelwood et al. (herein, Hazelwood) disclosure teaches the mounting of loudspeakers in vehicles. Hazelwood discloses that a versatile speaker structure that may be mount in any particular type vehicle (col. 2, lines 13-25), which constitutes a versatile speaker housing common to various vehicles obvious to one of the ordinary skill in

Application/Control Number: 09/814,227  
Art Unit: 2644

the art that time of the of Everingham and AAPA for the purpose of lessening the cost by alleviating manufacturing of different size speakers and/or speaker housing for various vehicles.

And further it would have been obvious to one of the ordinary skill at the time of the invention to position the speaker housing and air cleaner housing in relation the position of the engine for the purpose of enhancing the function of the vehicles noise cancellation system for optimal noise cancellation.

Regarding **claim 19 and 25**, Everingham discloses everything claimed as applied above (see claim 18 and 22). However, Everingham fails to specifically disclose the housing being molded plastic structure. The applicant admits that plastic housing structures are common for to many vehicles.

Claims 20 and 21 are allowed.

Claims 26-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

**Any response to this action should be mailed to:**



Application/Control Number: 09/814,227  
Art Unit: 2644

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**


**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG

June 28, 2003

  
FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600